

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EDGARDO COLON
Petitioner

v.

UNITED STATES
Respondent

)
)
) Civil Action No.:
) Crim. No. 00-CR-10029-NG
)
)
)

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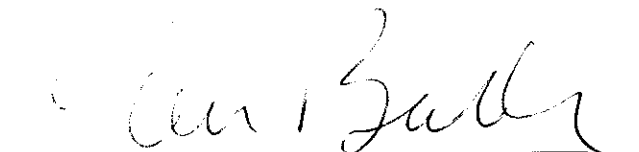
**DEFENDANT EDGARDO COLON'S MOTION TO
APPOINT COUNSEL TO REPRESENT MR. COLON IN THE ABOVE MATTER
AND WAIVE FILING FEE FOR FILING OF
MOTION TO VACATE, SET ASIDE OR CORRECT HIS SENTENCE
BASED UPON INDIGENCY**

Now Comes Edgardo Colon who respectfully files this motion to (1) appoint Attorney James Budreau to represent him in his collateral attack of his sentence pursuant to Title 21 U.S.C. Section 2255; and (2) waive his filing fee for this civil case as Mr. Colon is indigent. See Affidavit of Indigency attached as Exhibit A. His present counsel, James Budreau, was appointed by this Court to represent Mr. Colon for purposes of investigating whether adequate grounds existed to file a Motion to Vacate, Set Aside or Correct His Sentence pursuant to Title 21 U.S.C. Section 2255. This appointment was made after the United States disclosed that its core witness, who testified before this Court during Mr. Colon's sentencing, had perjured himself. See Affidavit of Counsel attached hereto as Exhibit B. Mr. Budreau is now filing this Motion to Vacate, Set Aside or Correct his Sentence and requesting to be appoint as Mr. Colon's counsel for this civil case with a good faith basis to believe that grounds exist for this Court to grant Mr. Colon's motion.

Wherefore, defendant moves this Court to waive his filing fee in the above civil matter and to appoint James Budreau as his lawyer to represent him in this matter.

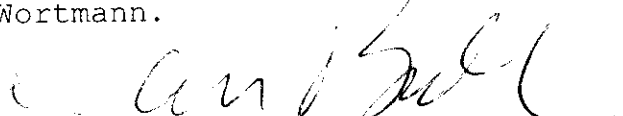
Respectfully submitted,

BY EDGARDO COLON'S ATTORNEY,



JAMES BUDREAU, BAR#553391
20 Park Plaza, Suite 905
Boston, MA 02116
(617) 227-3700

I hereby certify that a true and correct copy of the foregoing document was served by hand on February 10, 2004 to Assistant U.S. Attorney John Wortmann.



James Budreau

AFFIDAVIT OF EDGARDO COLON

I, Edgardo Colon, do state and depose that the following is true and accurate to the best of my knowledge:

1. I am presently incarcerated in ^{ESP} ~~FCI~~ Lewisburg. I am serving an 188 month sentence imposed by the United States District Court, District of Massachusetts.
2. I have not filed an appeal of my sentence, but I would like to file a post-conviction collateral attack on grounds outlined in an affidavit filed by Attorney James Budreau.
3. I do not, however, have any money or other assets and, therefore, cannot afford to pay Mr. Budreau's legal fees.
4. I want to ask the Court to find me indigent and to appoint Mr. Budreau as my lawyer for a post conviction attack on my sentence.

Signed under pains and penalties of perjury,


EDGARDO COLON

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AFFIDAVIT OF COUNSEL

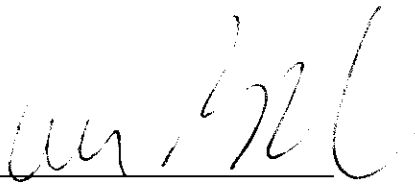
I, James Budreau, do depose and state that the following is true and accurate to the best of my memory:

1. I represented Edgardo Colon in his federal court sentencing before this Court in March 2002. I was appointed by this Court in 1993 to investigate the possibility of filing a Motion to Vacate, Set Aside or Correct His Sentence after it was revealed by the United States that one of its core witnesses lied during the sentencing hearing held by this Court.

2. I am now filing the Motion to Vvacate, Set Aside or Correct His Sentenced based upon a good faith belief that there are grounds for relief.

3. Mr. Colon is indigent and has asked that I be appointed to represent him in this matter.

Signed under pains and penalties of perjury,



JAMES BUDREAU

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